

On June 8, 2021, Plaintiffs filed their Motion for Preliminary Injunction and an appendix containing evidence in support of that motion. *See* ECF Nos. 53, 54, 54-1, 54-2. As explained in their Response in Opposition to Defendants’ Motion to Strike, that evidence is properly before the Court, and Defendants’ motion to strike should be denied. ECF No. 72.

In Plaintiffs’ view, a motion to introduce extra-record evidence is not necessary. *See Shah v. Chertoff*, No. 3:05-cv-1608, 2007 WL 2948362, at *6 (N.D. Tex. Oct. 10, 2007) (Ramirez, M.J.) (holding “that Plaintiffs are entitled to offer their extra-record evidence” by denying a motion to strike without considering a motion from the plaintiffs); *see also Texas v. United States*, No. 6:21-cv-3, 2021 WL 2096669, at *12–*19, *42–*45, *47–*50 (S.D. Tex. Feb. 23, 2021) (Tipton, J.) (relying on extra-record evidence to grant a preliminary injunction without a motion to introduce the evidence).

Defendants, however, have suggested that Plaintiffs are obligated to file such a motion. *See* ECF No. 62 at 5. For the avoidance of doubt, Plaintiffs alternatively move for the introduction of the extra-record evidence contained in their appendix. *See* ECF Nos. 54-1, 54-2. Plaintiffs respectfully request that the Court grant this motion for the reasons explained in Plaintiffs’ Response in Opposition to Defendants’ Motion to Strike. *See* ECF No. 72.

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Respectfully submitted.

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CERTIFICATE OF CONFERENCE

I certify that, on July 9, 2021, counsel for Plaintiffs conferred with counsel for Defendants, who represented that Defendants oppose this motion.

/s/ William T. Thompson
WILLIAM T. THOMPSON

CERTIFICATE OF SERVICE

I certify that on July 9, 2021, a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) and served on all counsel of record.

/s/ William T. Thompson
WILLIAM T. THOMPSON